

Title 4: State Government Chapter 5 Uniform Administrative Procedures Act

Part 2: Rulemaking and Publications

Tenn. Code Ann. § 4-5-222 (2016)

4-5-222. Record of voting on policy or rule adoption.

(a) (1) Notwithstanding any law to the contrary, in addition to other rulemaking requirements imposed by law, each agency shall maintain the following written records on each rule adopted by such agency:

(A) The rule, in writing, signed by the person proposing such rule;

(B) A roll call vote on adoption by "aye" or "no" of each person voting; and

(C) The responses of the agency to the comments submitted at any public hearing on the proposed rule. Each comment shall be addressed; provided, however, that similar comments may be grouped together and addressed in one (1) response. The response to specific comments shall include the reasons for agency adoption or rejection of any specific changes suggested by the comments. A transcript of the rulemaking hearing shall not suffice as the response to comments required by this section.

(2) The record required by this section need not be published, but a copy shall be filed with the secretary of state, and the agency shall certify its compliance with this section to the attorney general and reporter prior to the approval of the rule. Failure to file such record at the time the rule is filed with the secretary of state will make the rule void and of no effect. Such record shall be available to the public during normal office hours of the agency at its principal office or the office of the secretary of state.

(b) Whenever policies that affect the rules and procedures of any agency are decided by vote of the agency, a record on such policies shall be maintained in accordance with this section and made available to the public in the same manner as is required for a rule.

HISTORY: Acts 1977, ch. 187, § 1; T.C.A., §§ 4-5-36, 4-5-130; Acts 1982, ch. 874, § 32; 1991, ch. 346, § 5; 1993, ch. 458, § 1.